

MEMORANDUM



DATE: 11/10/2015
TO: Members of the Human Services Subcommittee of the House Appropriations Subcommittee on Health and Human Services
FROM: Viola Bay Wild, Senior Fiscal Analyst
RE: Family Independence Program Suspicion-Based Drug Testing Pilot Program

The following information concerns the Family Independence Program (FIP) Suspicion-Based Drug Testing Pilot Program.

Suspicion-Based Drug Testing Pilot Program

Public Act 84 of 2015, the enacted DHHS FY 2015-16 budget act (Article X), requires that the Department implement a suspicion-based drug testing pilot program for FIP recipients. To finance the pilot program, the Legislature included \$300,000 additional TANF funding to the FIP line item in the FY 2015-16 budget. In addition, boilerplate section 630 was included that requires the Department to implement the program. The enacted language is as follows:

Sec. 630. From the funds appropriated in part 1 for family independence program, the department shall implement a suspicion-based drug testing pilot program for the family independence program according to sections 57y and 57z of the social welfare act, 1939 PA 280, MCL 400.57y and 400.57z.

The funding for the program is to be used to implement a pilot program in three or more Michigan counties.

Requirements of PA 394 and 395 of 2014

The Legislature enacted House Bill 4119 of 2014 (PA 394 of 2014) and Senate Bill 275 of 2014 (PA 395 of 2014) which requires the Department of Human Services (now DHHS) to establish and administer a pilot program of suspicion-based substance abuse screening and testing for FIP applicants and recipients. These acts require the Department to administer the pilot program in three or more counties.

In the pilot program, DHHS is required to screen FIP applicants and recipients for suspicion of substance abuse using an empirical screening tool. Any person whose screening results indicate a reasonable suspicion that they had used a controlled substance must then take a substance abuse test. If an individual declines to take the test, they would be ineligible for FIP benefits.

The first time an individual tests positive in such a test, DHHS is required to refer the applicant or recipient to a Department-designated community mental health (CMH) facility and they may continue to receive FIP assistance. The second time, or any subsequent time, an individual tests positive, that individual would be ineligible for FIP assistance and DHHS may refer them to a CMH agency.

The pilot program is required to last at least one year and must begin by October 1, 2015 and finish by September 30, 2016. DHHS is required to report to the Legislature on the program within 60 days after the program's conclusion. Public Act 84 of 2015, the enacted DHHS FY 2015-16 budget act, provided funding for the pilot program established by PAs 394 and 395.

I hope you find this information helpful. If you have any further questions, feel free to contact me at 3-8080.